

BOARD OF SELECTMEN
Minutes of August 4, 2008

MEMBERS PRESENT: Vice-Chairman Bruce Breton called the meeting to order at 7:00 PM. Selectmen Galen Stearns, Charles McMahon and Roger Hohenberger were present. Chairman Dennis Senibaldi was excused. Town Administrator David Sullivan was delayed and arrived at 7:25 PM. Mr. Breton read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Recreation Coordinator Cheryl Haas advised that Movie Night at Griffin Park had been postponed until August 11th due to the inclement weather.

LIAISON REPORTS: None.

MINUTES: None.

CORRESPONDENCE: None.

EAGLE SCOUT PROJECT: Mr. Mark Samsel, Windham Rail Trail Alliance approached to introduce Mr. Kevin Delfosse. Mr. Delfosse, Troop 266, made presentation to the Board of a proposed Eagle Scout Project to construct a kiosk at the Rail Trail entrance.

Mr. Delfosse explained that the kiosk will be a four post, 3-panel design with space for a map of the trail, regulations, and notices, and will be nearly identical in construction to that at Griffin Park but on a smaller scale. Discussion ensued regarding the kiosk at Griffin Park and issues with weathering of the lettering. Mr. Delfosse indicated that he was planning to router out the trail map and paint the different areas accordingly.

Mr. McMahon then moved and Mr. Hohenberger seconded to approve the project as proposed and described by Mr. Delfosse. Brief discussion ensued regarding the proposed location of the kiosk, which Mr. Delfosse indicated was on State property. Motion passed 4-0.

Mr. Delfosse then indicated that this is a substantial project, and indicated he would appreciate any funds the Town could contribute towards it. The Board indicated that once Mr. Delfosse had completed his fundraising efforts the Town could likely assist, if necessary.

DONATION: Mr. Hohenberger moved and Mr. McMahon seconded to accept a donation of \$900 from the Pelham Windham Razorbacks for use toward field maintenance. Passed 4-0.

OSGOOD ROAD: Mr. Sullivan advised that Mr. McCartney has within his summer maintenance budget \$15K to correct site line issues on the corner of Osgood and Marblehead Roads. He noted that, there have been several near misses with vehicles traveling down Marblehead towards Osgood, and safety is an ongoing concern in the area. Mr. Sullivan advised that he and Mr. McCartney had been working with the abutter, and have verbal approval from her to cut back the slope into her property to resolve the issue. As part of the project, some rhododendron bushes will be planted for screening and some birch trees may have to be replaced by the Town if they can't be avoided. Mr. Sullivan indicated he was seeking the Board's authorization for Mr. McCartney to work with a local contractor.

Discussion ensued, and Mr. Sullivan indicated the hill had previously been lowered in 2005, however, it hadn't fully resolved the issue. He further noted that this project involves no blasting and no additional pavement.

Further discussion ensued regarding why the cost was estimated at \$15K. Mr. Sullivan indicated that represented mostly labor costs to dig out the hill, and that it was hoped that project would ultimately be completed for \$9-10K.

Mr. Hohenberger then moved and Mr. Stearns seconded to approve the expense of up to \$15K for removal of the bank at Osgood and Marblehead Roads. Mr. Sullivan requested the motion be amended to allow Mr. McCartney to work with a local contractor to complete the project.

Mr. Hohenberger amended his motion, and Mr. Stearns his second, accordingly. Motion passed 4-0.

OLD/NEW BUSINESS: Mr. Sullivan reviewed the draft CIP submissions with the Board. Projects considered for submission included:

- *Depot Improvement Project:* It was the consensus of the Board to submit this project.
- *Ampitheater @ Fellows Road:* It was the consensus of the Board to remove this project in light of the proposed Griffin Park ampitheater.
- *Londonbridge Layout Costs:* Lengthy discussion ensued on this matter regarding the impending vote, the need to include a placeholder for the bond within the CIP regardless if the vote passes, and the ultimate design of the roadway and possible eminent domain costs. It was the consensus of the Board that Mr. Sullivan amend this submission to the CIP to reflect that the Board reserved the right to amend the request based on the results of the upcoming Special Town Meeting vote in September.
- *New Town Hall:* Lengthy discussion ensued on this proposed submission. Mr. McMahon indicated this project could be done within the CIP without a tax impact, and requested CIP funds be initiated in 2009. Discussion ensued regarding bonding the project in 2011 through a warrant article, the need for a separate access, the Bartley House improvements, and potential benefits to the staff, level of service and energy efficiency. Mr. Sullivan suggested the Board amend the submission to allow the CIP to apply any available 2009 and 2010 funds towards the project with the final amount needed to be bonded in 2011.

After further discussion, the Board was unable to reach a consensus.

Mr. Sullivan requested permission to submit the first three items, as the information is due back to the CIP Committee by the eighth. It was the consensus of the Board to re-address this matter, as a whole, at their next meeting.

CONSERVATION EASEMENT: Mr. Sullivan explained that Article 2 of the Special Town Meeting warrant pertains to granting of third party conservation easements on portions of the Blanchard and Rau properties on Route 28. In exchange for the easement to the Southeast Lands Trust, a grant in the amount of \$177K is available. Mr. Jim Finn, Chairman of the Conservation Commission, approached noting that the grant in question is a wellhead and watershed protection grant identical to that in place on the Ingersoll property.

Discussion ensued regarding the need to maintain the property as part of the agreement for issues such as illegal dumping. Ms. Ellen Sneider of the SE Lands Trust approached to provide some background information. She noted that the Trust is based in Exeter, and currently has approximately 5,000 acres in easements. She noted that the Trust's role is to work with others to conserve land, and that Kingston had just approved five easements identical to this as proposed. Ms. Sneider stressed that the property would remain open for recreational and agricultural uses, and will not be owned or controlled by the Trust. Rather, the Trust will aid the Town in preserving the property and conduct annual inspections for violations such as illegal dumping and development.

Mr. Hohenberger inquired what would happen if the Town wished to construct a school there in the future. Ms. Sneider replied that the Town couldn't unless they took the property back by eminent domain. Discussion ensued.

Mr. Stearns pointed out that the draft agreement appears to prohibit snowmobile use. Discussion ensued regarding the rights reserved by the Town in the agreement, which can be modified prior to execution.

Mr. Finn noted that the Commission applies for grants in order to offset the purchase costs of Conservation Land, and that the \$177K in question is not an insignificant amount. He noted that these funds could be used to purchase additional Conservation land, which had been the goal of the Commission. Discussion ensued regarding amending Section 12 regarding the Town's reclamation of the property, and Ms. Sneider pointed out that the Trust had never, that she knew of, had a community take back a property.

Mr. Wayne Morris, Conservation Commission, approached noting that he didn't see the Town ever having a need for the property, stating that the idea behind Conservation Land is to keep it forever. Mr. Stearns agreed, but questioned why, if that were the case, the agreement tied the voters' hands by making them pay for the land a second time if a need arose. Discussion ensued.

Mrs. Margaret Case approached to express her agreement with Mr. Stearns' and Mr. Hohenberger's concerns. She questioned why restrictions needed to be placed on the property, when the residents should be trusted to do the right thing. She noted that the Gage Lands was not touched for several years, but was available when needed by the School District. Mrs. Case then raised concerns as to how this matter ended up on the Warrant, as Mr. Finn had not seemed to be aware of it when she inquired about it.

The Board's previous non-public discussion regarding this matter was clarified, as well as Mr. McMahan's efforts to ascertain the need for the article at the State level.

Mr. Finn approached and clarified that he was aware that it would be placed on a warrant and that the easement was required as part of the grant, he was only unclear as to whether it would be on the September or March ballot.

Mrs. Barbara Coish approached to inquire whether a survey had been completed, noting she did not wish the easement to extend even a small amount outside the original property boundaries. Mr. Breton replied in the affirmative.

Mr. Hohenberger then inquired whether Ms. Sneider would be available to attend the Deliberative Session to field questions from the public. Ms. Sneider replied in the affirmative.

CABLE FRANCHISE EXTENSION: Mrs. Case presented the proposed extension to the cable franchise agreement negotiations, which indicates that the parties agree to extend the current agreement to November 10, 2008. Comcast will continue to operate in accordance with the current agreement during the extension period and, in addition, the parties will continue to amicably negotiate terms of a successful agreement.

Mr. Stearns moved and Mr. McMahon seconded to approve the extension agreement as outlined by Mrs. Case. Passed 4-0.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan advised that several RFP's had been received relative to the Planning Department Re-organization Study. Mr. Breton indicated he would like to defer this matter to non-public session, as he did not feel the merits of the firms should be discussed in public. It was the consensus of the Board to agree, and to move the discussion back to public session if deemed prudent.

Mr. Sullivan advised that four bids had been received for the Bartley House renovations as follows:

Vendor	Total Project (Renovation of 2nd floor)	Replacement Windows (1st & 2nd floor)	Total
Kingwood Builders (Bill Johnson), Windham NH	\$42,950.00	\$10,500.00	\$53,450.00
Blackdog Builders, Salem NH	\$68,545.53	\$20,021.15	\$88,566.68
Engelwood Construction, Manchester NH	\$46,953.00	\$300.00 per was quoted/ town counts 35 windows for \$10,500.00	\$57,453.00
David Howes Construction, Windham NH	\$59,795.00	\$8,700.00	\$68,495.00

Mr. Sullivan noted that a fifth bid was received at 2:55 PM, which was after the 2 PM deadline. Mr. Hohenberger moved and Mr. Stearns seconded to open the fifth bid from Fraser Company of Hudson, NH. Passed 3-1, with Mr. McMahon opposed. Mr. Sullivan opened the bid in amount of \$57,500, with an alternate cost of \$18,825 for windows. Mr. Sullivan advised that all bids had met the specifications, and discussion ensued regarding looking into awarding the windows separately.

It was the consensus of the Board to delay this bid award until a full board was present, and that Mr. Sullivan follow up with the vendors to ascertain their interest in a dual award.

Mr. Richard Messina, owner of the Manor Motel, approached expressing concerns with the lack of cooperation from the Town over the past year. Mr. Sullivan clarified that, at this point, attorneys are involved in this matter, and that Town Counsel has advised Mr. Messina of the Town's position despite Mr. Messina's disagreement with the Chief of Police and the Police Prosecutor.

Discussion ensued regarding the legal nature of this issue, and that Mr. Messina is seeking a uniform rule regarding what constitutes a tenant versus a guest as it pertained to eviction procedures. It was the consensus of the Board that Mr. Sullivan work to schedule a meeting, tentatively for October, and that the Police representatives and attorneys be present.

Mr. Messina also indicated that he would like to speak with someone regarding a new building being proposed for the site, possibly for elderly or disabled tenancy. Mr. Sullivan indicated that should be presented to the Planning Board as a conceptual plan.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Stearns seconded seconded to enter into a non-public session in accordance with RSA 91-A:3-IIa and c. Roll call vote – all members “yes”. The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the first session.

Mr. Sullivan updated the Board on a personnel matter relative to the recommended candidate for the Maintenance position. It was the consensus of the Board that Mr. Sullivan proceed as recommended.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the second session.

Mr. Sullivan updated the Board on an ongoing personnel matter at the Transfer Station. It was the consensus of the Board that the employee in question be maintained on the payroll in a different department.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the third session.

Mr. Sullivan updated the Board on a matter relative to reputations. No decisions were made.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the fourth session.

The Board reviewed the proposals received relative to the Planning Department re-organization study. After a lengthy discussion regarding the phases of the study, Mr. Hohenberger moved and Mr. McMahon seconded to retain Mr. Gerald Coogan for Phase I of the re-organization study. Passed 4-0.

The Board and Mr. Sullivan were in attendance in the remaining sessions.

Mr. Sullivan updated the Board on the status of the conditional offer of employment extended to the recommended candidate for the Highway Laborer position.

Mr. Stearns moved and Mr. Hohenberger seconded to rescind the conditional offer of employment. Passed unanimously.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed unanimously. The meeting was adjourned at 11:40 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.